

107TH CONGRESS
2^D SESSION

H. CON. RES. 361

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2002

Received

CONCURRENT RESOLUTION

Directing the Clerk of the House of Representatives to make
corrections in the enrollment of the bill H.R. 2356.

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That in the enrollment of the bill (H.R. 2356)
3 to amend the Federal Election Campaign Act of 1971 to
4 provide bipartisan campaign reform, the Clerk of the

1 House of Representatives shall make the following correc-
 2 tions:

3 (1) Amend section 103(b) to read as follows:

4 (b) BUILDING FUND EXCEPTION TO THE DEFINI-
 5 TION OF CONTRIBUTION.—

6 (1) IN GENERAL.—Section 301(8)(B) of the
 7 Federal Election Campaign Act of 1971 (2 U.S.C.
 8 431(8)(B)) is amended—

9 (A) by striking clause (viii); and

10 (B) by redesignating clauses (ix) through
 11 (xv) as clauses (viii) through (xiv), respectively.

12 (2) NONPREEMPTION OF STATE LAW.—Section
 13 403 of such Act (2 U.S.C. 453) is amended—

14 (A) by striking “The provisions of this
 15 Act” and inserting “(a) IN GENERAL.—Subject
 16 to subsection (b), the provisions of this Act”;
 17 and

18 (B) by adding at the end the following:

19 “(b) STATE AND LOCAL COMMITTEES OF POLITICAL
 20 PARTIES.—Notwithstanding any other provision of this
 21 Act, a State or local committee of a political party may,
 22 subject to State law, use exclusively funds that are not
 23 subject to the prohibitions, limitations, and reporting re-
 24 quirements of the Act for the purchase or construction of
 25 an office building for such State or local committee.”.

1 (2) In section 304(f)(2)(E) of the Federal Elec-
 2 tion Campaign Act of 1971 (as added by section
 3 201(a) of the bill), strike “as defined in section
 4 1101(a)(2) of the Immigration and Nationality Act
 5 (8 U.S.C. 1101(a)(2))” and insert “(as defined in
 6 section 101(a)(20) of the Immigration and Nation-
 7 ality Act (8 U.S.C. 1101(a)(20)))”.

8 (3) In section 316(c)(2) of the Federal Election
 9 Campaign Act of 1971 (as added by section 203(b)
 10 of the bill), strike “as defined in section 1101(a)(2)
 11 of the Immigration and Nationality Act (8 U.S.C.
 12 1101(a)(2))” and insert “(as defined in section
 13 101(a)(20) of the Immigration and Nationality Act
 14 (8 U.S.C. 1101(a)(20)))”.

15 (4) Amend section 212(b) to read as follows:

16 (b) TIME OF FILING OF CERTAIN STATEMENTS.—

17 (1) IN GENERAL.—Section 304(g) of such Act,
 18 as added by subsection (a), is amended by adding at
 19 the end the following:

20 “(4) TIME OF FILING FOR EXPENDITURES AG-
 21 GREGATING \$1,000.—Notwithstanding subsection
 22 (a)(5), the time at which the statement under para-
 23 graph (1) is received by the Commission or any
 24 other recipient to whom the notification is required

1 to be sent shall be considered the time of filing of
2 the statement with the recipient.”.

3 (2) CONFORMING AMENDMENTS.—(A) Section
4 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is
5 amended by striking “the second sentence of sub-
6 section (c)(2)” and inserting “subsection (g)(1)”.

7 (B) Section 304(d)(1) of such Act (2 U.S.C.
8 434(d)(1)) is amended by inserting “or (g)” after
9 “subsection (c)”.

10 (5) In section 214(b), strike “the second sen-
11 tence of section 402(c)” and insert “section
12 402(c)(1)”.

13 (6) In section 313(a)(4) of the Federal Election
14 Campaign Act of 1971 (as amended by section 301
15 of the bill), insert “, without limitation,” after “for
16 transfers”.

17 (7) In section 607(a)(2) of title 18, United
18 States Code (as amended by section 302 of the bill),
19 insert “not” after “imprisoned”.

20 (8) In section 301(25) of the Federal Election
21 Campaign Act of 1971 (as added by section 304(c)
22 of the bill), strike “The term” and insert “For pur-
23 poses of sections 315(i) and 315A and paragraph
24 (26), the term”.

1 (9) Amend section 402 to read as follows:

2 **SEC. 402. EFFECTIVE DATES AND REGULATIONS.**

3 (a) GENERAL EFFECTIVE DATE.—

4 (1) IN GENERAL.—Except as provided in the
 5 succeeding provisions of this section, the effective
 6 date of this Act, and the amendments made by this
 7 Act, is November 6, 2002.

8 (2) MODIFICATION OF CONTRIBUTION LIM-
 9 ITS.—The amendments made by—

10 (A) section 102 shall apply with respect to
 11 contributions made on or after January 1,
 12 2003; and

13 (B) section 307 shall take effect as pro-
 14 vided in subsection (e) of such section.

15 (3) SEVERABILITY; EFFECTIVE DATES AND
 16 REGULATIONS; JUDICIAL REVIEW.—Title IV shall
 17 take effect on the date of enactment of this Act.

18 (4) PROVISIONS NOT TO APPLY TO RUNOFF
 19 ELECTIONS.—Section 323(b) of the Federal Election
 20 Campaign Act of 1971 (as added by section 101(a)),
 21 section 103(a), title II, sections 304 (including sec-
 22 tion 315(j) of Federal Election Campaign Act of
 23 1971, as added by section 304(a)(2)), 305 (notwith-
 24 standing subsection (c) of such section), 311, 316,
 25 318, and 319, and title V (and the amendments

1 made by such sections and titles) shall take effect on
 2 November 6, 2002, but shall not apply with respect
 3 to runoff elections, recounts, or election contests re-
 4 sulting from elections held prior to such date.

5 (b) SOFT MONEY OF NATIONAL POLITICAL PAR-
 6 TIES.—

7 (1) IN GENERAL.—Except for subsection (b) of
 8 such section, section 323 of the Federal Election
 9 Campaign Act of 1971 (as added by section 101(a))
 10 shall take effect on November 6, 2002.

11 (2) TRANSITIONAL RULES FOR THE SPENDING
 12 OF SOFT MONEY OF NATIONAL POLITICAL PAR-
 13 TIES.—

14 (A) IN GENERAL.—Notwithstanding sec-
 15 tion 323(a) of the Federal Election Campaign
 16 Act of 1971 (as added by section 101(a)), if a
 17 national committee of a political party described
 18 in such section (including any person who is
 19 subject to such section under paragraph (2) of
 20 such section), has received funds described in
 21 such section prior to November 6, 2002, the
 22 rules described in subparagraph (B) shall apply
 23 with respect to the spending of the amount of
 24 such funds in the possession of such committee
 25 as of such date.

1 (B) USE OF EXCESS SOFT MONEY
2 FUNDS.—

3 (i) IN GENERAL.—Subject to clauses
4 (ii) and (iii), the national committee of a
5 political party may use the amount de-
6 scribed in subparagraph (A) prior to Janu-
7 ary 1, 2003, solely for the purpose of—

8 (I) retiring outstanding debts or
9 obligations that were incurred solely
10 in connection with an election held
11 prior to November 6, 2002; or

12 (II) paying expenses or retiring
13 outstanding debts or paying for obli-
14 gations that were incurred solely in
15 connection with any runoff election,
16 recount, or election contest resulting
17 from an election held prior to Novem-
18 ber 6, 2002.

19 (ii) PROHIBITION ON USING SOFT
20 MONEY FOR HARD MONEY EXPENSES,
21 DEBTS, AND OBLIGATIONS.—A national
22 committee of a political party may not use
23 the amount described in subparagraph (A)
24 for any expenditure (as defined in section
25 301(9) of the Federal Election Campaign

Act of 1971 (2 U.S.C. 431(9))) or for re-
tiring outstanding debts or obligations that
were incurred for such an expenditure.

(iii) PROHIBITION OF BUILDING FUND
USES.—A national committee of a political
party may not use the amount described in
subparagraph (A) for activities to defray
the costs of the construction or purchase of
any office building or facility.

(c) REGULATIONS.—

(1) IN GENERAL.—Except as provided in para-
graph (2), the Federal Election Commission shall
promulgate regulations to carry out this Act and the
amendments made by this Act that are under the
Commission's jurisdiction not later than 270 days
after the date of enactment of this Act.

(2) SOFT MONEY OF POLITICAL PARTIES.—Not
later than 90 days after the date of enactment of
this Act, the Federal Election Commission shall pro-
mulgate regulations to carry out title I of this Act
and the amendments made by such title.

(10) Add at the end of section 403 the fol-
lowing:

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
Member of Congress may bring an action, subject to the

1 special rules described in subsection (a), for declaratory
 2 or injunctive relief to challenge the constitutionality of any
 3 provision of this Act or any amendment made by this Act.

4 (d) APPLICABILITY.—

5 (1) INITIAL CLAIMS.—With respect to any ac-
 6 tion initially filed on or before December 31, 2006,
 7 the provisions of subsection (a) shall apply with re-
 8 spect to each action described in such section.

9 (2) SUBSEQUENT ACTIONS.—With respect to
 10 any action initially filed after December 31, 2006,
 11 the provisions of subsection (a) shall not apply to
 12 any action described in such section unless the per-
 13 son filing such action elects such provisions to apply
 14 to the action.

Passed the House of Representatives March 20,
 2002.

Attest:

JEFF TRANDAHL,

Clerk.